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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re application of

Docket No: Q68937

HELM, BRIGIT

Appln. No.: 09/133,766

Group Art Unit: 1644

Confirmation No.: 6988

Examiner: Ronald B. Schwadron

Filed: August 12, 1998

For: ALLERGEN/INFLAMMATORY TESTING AND DIAGNOSIS

**PAYMENT AND CALCULATION OF DEFICIENCY OWED UNDER THE
PROVISIONS OF 37 C.F.R. § 1.28(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As of December 31, 1995, Applicant was no longer entitled to Small Entity Status and the reduced patent fees as provided by 37 CFR §1.27(b). However, Applicant established Small Entity Status, at the time this application was filed, with the good faith belief that Applicant was entitled to such status. Subsequent to the allowance of the application, Applicant has become aware that entitlement to Small Entity Status was lost as of December 31, 1995, and that some fees subsequent to December 31, 1995 were erroneously paid as small entity fees.

To satisfy Applicant's duties under 37 CFR §1.28(c), Applicant hereby submits a calculation and payment of the fees due.

Per 37 CFR §1.28(d), the deficiency payment submitted herewith operates as a notification of a loss of Small Entity Status.

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Payment and Calculation of
Deficiency Owed Under 37 C.F.R. § 1.28(c)
USSN 09/133,766

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| USSN 09/133,766 (Att. Doc. Q68937) Small Entity Entitlement Lost December 31, 1995 Balance of government fees due | | | | |
|---|----------------------------------|--------------------------|--|------------------|
| Date | Action | Small Entity Fee paid | Current Non-Small Entity government fee | Balance due |
| 3/19/98 | Three month Extension of Time | 395.00 | 1020.00 | 625.00 |
| 08/17/98 | Divisional Appln | 395.00 | Basic filing fee 300.00 (9 Total Claims 2 Independent Claims) Search Fee 500.00 Examination Fee 200.00 | 605.00 |
| 11/18/99 | RCE | 380.00 | 790.00 | 410.00 |
| 11/18/99 | Three month Extension of Time | 435.00 | 1020.00 | 585.00 |
| 08/17/00 | Two Month Extension of Time | 190.00 | 450.00 | 260.00 |
| 03/30/01 | One month Extension of Time | 55.00 | 120.00 | 65.00 |
| 06/18/02 | Three month Extension of Time | 460.00 | 1020.00 | 560.00 |
| 06/18/02 | RCE | 370.00 | 790.00 | 420.00 |
| 12/14/02 | One month Extension of Time | 55.00 | 120.00 | 65.00 |
| 11/10/03 | Notice of Appeal | 165.00 ¹ | 500.00 | 335.00 |
| 11/10/03 | Three month Extension of Time | 950.00 ¹ | 1020.00 | 70.00 |
| 01/09/04 | RCE | 770.00 ¹ | 790.00 | 20.00 |
| Total Amount of Deficiency Owed | | | | \$4020.00 |

¹ Non-small entity fees originally paid, and refunds received on 1/31/05 for small entity status as follows: Notice of Appeal \$330.00 paid, refund of \$165.00 received; Three month Extension of Time \$950.00 paid, refund of \$475.00 received; RCE \$770.00 paid, \$385.00 received.

Balance of Non-small entity fees now due are calculated at current rates.

Payment and Calculation of
Deficiency Owed Under 37 C.F.R. § 1.28(c)
USSN 09/133,766

In accordance with the Requirements under 37 CFR § 1.28(c), Applicant encloses herewith a check in the amount of \$4020.00, which Applicant believes is the full deficiency owed as a result of the small entity fees paid in error. However, if the office is aware of additional fees that Applicant owes by virtue of the loss of entitlement of small entity as of December 31, 1995, the USPTO is directed and authorized to charge these fees to Deposit Account No. 19-4880.

Respectfully submitted,

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WASHINGTON OFFICE

23373

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Date: February 18, 2005